

REMARKS

The Final Office Action mailed November 18, 2003 has been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

No extension of time is believed to be required based upon the filing of this Amendment prior to the deadline of the three-month statutory period (February 18, 2004). Authorization is granted to charge counsel's Deposit Account No. 01-2300, referencing Attorney Docket No. 107355-00045, for any additional fees that may be needed for entry of this response.

Claims 1-5 are pending in the present application and are respectfully submitted for reconsideration.

Claims 1 and 4 were finally rejected under 35 U.S.C. § 102(b) as being anticipated by the Parsons et al. patent (U.S. Patent No. 5,002,170). The rejections are respectfully traversed and reconsideration is requested.

With respect to independent claim 1, it recites a vehicle starting clutch control device for controlling a transmission torque capacity of a starting clutch through an actuator comprising, in pertinent part, third control means for controlling the actuator so that the transmission torque capacity of the starting clutch is gradually increased to shift the starting clutch to the completely transmitted state when the accelerator pedal is depressed during power-off running. It is submitted that the Parsons et al. patent does not disclose or suggest the vehicle starting clutch control device, as claimed.

Particularly with reference to Fig. 4, section (P) of the Parsons et al. patent, it discloses a tip-in control of a torque responsive clutch control for automatic and semi-automatic transmission systems so that when a throttle angle (θ_a) increases above both a detect reference (DR_4), which is a value equal to the throttle angle plus a detect off-set angle, and a tip-in

threshold (x), which is a maximum throttle angle below the occurrence of transmission line disturbance, a delay time (T2) comes into operation and a clutch torque transmitting capacity (tc) of a clutch is held down as represented by section (p2). When the delay time (T2) expires, the clutch torque transmitting capacity (tc) is increased, as represented by section (p3), over a time (T1) up to a value represented by section (p4), which is just greater than that needed by the clutch to transmit all power to a gear box. While the torque transmitting capacity (tc) is being increased, clutch slip occurs to reduce the chance of transmitting torque surges from the engine to the gear box. At the same time as one of the timer means starts to measure the time (T1), other timer means starts to measure a time (T4) because the throttle angle (ta) is now in excess of the tip-in threshold (x). When time (T4) expires, the torque transmitting capacity (tc) is increased to a predetermined maximum represented at section (p5). (See col. 9, ls. 25-54.)

In contrast to the Parsons et al. patent, the transmission torque capacity of the starting clutch in the present invention is gradually increased to shift the starting clutch to a completely transmitted state when the accelerator pedal is depressed during power-off running thus resulting in having a vehicle starting clutch control device which can prevent the generation of surging vibration when the accelerator pedal is abruptly depressed during power-off running. Such gradually increasing of the transmission torque capacity of the starting clutch to shift the clutch to a completely transmitted state when the accelerator pedal is depressed during power-off running, as claimed, is clearly not disclosed or suggested by the Parsons et al. patent. Accordingly, Applicants therefore submit that independent claim 1 is patentable based upon the Parsons et al. patent not disclosing or suggesting the content therein. Based upon the patentability of the independent claim, dependent claims 2-5 are also submitted as being patentable since they differ in scope from the parent independent claim.


Entry of this Response after final rejection is submitted as proper in that it places the application in condition for allowance. Particularly, the present Response is submitted as not raising new issues and not requiring further consideration or searching. Indication of the disposition of this Response is requested prior to the expiration of the six-month statutory period, i.e., May 18, 2004. A telephone call by the Examiner to the undersigned counsel with respect to the disposition of this Response would be appreciated.

It is further noted that the Examiner has indicated that dependent claims 2, 3 and 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims. It is noted, however, that there does not appear to be any rejections based on 35 U.S.C. § 112, second paragraph, in the Office Action. Clarification is respectfully requested.

Additionally, if for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicants' undersigned counsel at the telephone number indicated below to arrange for an interview to expedite the disposition of this application.

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Respectfully submitted,


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